

II. REMARKS

A. Front Page of Office Action

The cover page of the April 14, 2004 office action indicates that claims 1-12 are pending in the application and that claims 1-12 are rejected.

B. Amendments to the Claims

Claims 1-3 and 6-12 remain in this application. Claims 4 and 5 have been canceled. Claims 1-3 and 6-12 are currently amended. Claim 1 has been amended to incorporate the features of claims 4 and 5. Claims 2-3 and 6-12 have been amended to incorporate the limitation of feedstock.

No new matter has been added.

C. Rejections

1. The Rejections of Claims 1-12 Under 35 USC 112, First Paragraph

In response to the examiner's rejection, the applicant submits that the specification is enabling for the incendiary feedstock of amended claim 1. Claim 1 now defines a feedstock having only the first substance in each container. In particular, the specification discloses that the product is a flexible belt of containers where each container contains a first substance which, when injected with a second substance, reacts exothermically. The specification discloses that the second substance is not contained in a flexible belt but rather is delivered separately via a dispensing machine. The specification does not convey that the second substance be held in the containers defined by the claims. Accordingly, it is submitted that the specification clearly enables the artisan to practice the presented invention commensurate with the scope of the present claims.

2. The Rejections of Claims 1-12 Under 35 USC 112, Second Paragraph

In response to the examiner's rejection that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, the applicant submits that the amended claims fully and accurately define products. The claims recite all necessary critical elements and thus are definite and complete.

3. The Rejections of Claims 1-3, 6-12 Under 35 USC 102(b) as being Anticipated by Wilson et al.

In response to the examiner's rejection of claims 1-3 and 6-12 under 35 USC 102(b) as being anticipated by Wilson et al., the applicant submits that claim 1 has been amended to incorporate the features of claims 4 and 5. The examiner did not reject claims 4 and 5 under 35 USC 102(b) as being anticipated by Wilson et al. Thus, the examiner considers these to pass muster under 35 USC 102(b) insofar as Wilson et al. is concerned. Therefore, the new claim 1 as amended is not anticipated by Wilson et al.

Furthermore, claim 1 as proposed to be amended is limited to a flexible belt feedstock. In contrast, Wilson et al. relates to a composite fragmenting rod for a warhead case that is provided with a plurality of grooves to define individual fragments that can be released upon detonation of the warhead to provide a plurality of kill mechanisms. Clearly, the Wilson et al. reference is in relation to an invention pertaining to an art completely different to that of the present invention, namely a bomb, whereas the present invention relates to the art of bush fire control.

Therefore, the rejection of claims 1-3 and 6-12 under 35 USC 102(b) over Wilson et al. should be withdrawn.

4. The Rejections of Claims 1 and 3-7 Under 35 USC 102(b) as being Anticipated by Lee

In response to the examiner's 35 USC 102(b) rejection of claims 1 and 3-7 over Lee, the applicant submits that Lee does not define nor suggest a flexible belt incendiary feedstock. Rather, Lee describes a fuel/air explosive system, i.e. a bomb for killing people. Further, it is submitted that the provision of a flexible toe line coupling together with a plurality of containers 30 as shown in Figure 7 of Lee does not constitute a flexible belt in accordance with the ordinary dictionary meaning of that term. Therefore, Lee does not disclose the "flexible belt incendiary feedstock" recited in amended claim 1.

Therefore, the rejection of claims 1 and 3-7 under 35 USC 102(b) as being anticipated by Lee should be withdrawn.

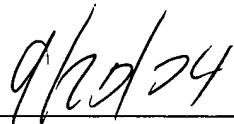
5. **The Rejections of Claims 1-3 and 6-9 Under 35 USC 102(b) as being anticipated by Campbell.**

In response to the examiner's rejections of claims 1-3 and 6-9 under 35 USC 102(b) over Campbell, the applicant submits that the examiner did not reject claims 4 and 5 over Campbell. As noted above, the features of both claims 4 and 5 are in substance incorporated in amended claim 1. Accordingly, by limiting claim 1 to include the features of claims 4 and 5, amended claim 1 distinguishes over the Campbell reference.


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